

THE HON. BARBARA J. ROTHSTEIN  
TRIAL DATE: 03/08/2021

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JODY L. LANGSTON,

Plaintiff,

vs.

FIRST NATIONAL INSURANCE  
COMPANY OF AMERICA, a foreign  
corporation doing business in Washington,

Defendant.

No. 3:20-cv-05169-BJR

STIPULATION AND ORDER TO  
CONTINUE TRIAL DATE AND AMEND  
CASE SCHEDULE


**I. RELIEF REQUESTED**

The parties by and through their attorneys of record, stipulate to and request an order to continue the trial date to September 13, 2021 and all related case schedule deadlines.

**II. GROUNDS FOR MOTION**

This case involves a claim by Plaintiff Jody Langston for payment of underinsured motorist ("UIM") benefits, and related extra-contractual claims raised by her related to that coverage. Ms. Langston was involved in a motor vehicle accident in July 2015, and seeks payment under the UIM provisions of her insurance policy with Defendant First National Insurance Company of America ("FNIC"). Ms. Langston seeks damages associated with injuries she relates to the accident.

STIPULATION AND ORDER TO CONTINUE  
TRIAL DATE AND AMEND CASE SCHEDULE  
(Cause No. 3:20-cv-05169-BJR) – 1  
cpw/CPW1379.757/3656450x

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The parties have exchanged preliminary discovery related to Ms. Langston's claims and FNIC's defenses. However, to fully evaluate its defenses to Ms. Langston's claims, FNIC asserts that it will need to conduct an independent medical examination ("IME"). To do that, Ms. Langston will need to travel to the Seattle-Tacoma area from where she currently resides, in Kentucky. Ms. Langston's location makes scheduling the IME more difficult. In addition, arranging her travel for the IME is made particularly difficult given current concerns related to the ongoing coronavirus pandemic. Finally, the parties must still finish collecting all records of Ms. Langston's medical treatment, which must occur before any IME takes place.

Under the circumstances, the parties will be unable to meet deadlines set under the current case schedule. In particular, the current expert disclosure deadline (September 9, 2020), discovery cutoff (November 9, 2020) do not allow sufficient time to collect evidence material to the parties' claims and defenses and complete Ms. Langston's IME.

To accommodate the needs of the case, to accommodate potential delays in discovery, and to facilitate the parties' goal of reaching an agreeable settlement short of trial, the parties have agreed and propose that the existing schedule be modified as follows, subject to the Court's approval:

DATE	CASE EVENT
09/13/2021	<b>Jury Trial (5-7 days) or as soon as available thereafter</b>
08/30/2021	Trial briefs, proposed voir dire & jury instructions due
09/03/2021	Pretrial conference held – September 3, 2021 at 8:30 a.m.
08/27/2021	Agreed Pretrial Order lodged by
09/09/2021	Motions in Limine filed and noted on the motion calendar no later than the Friday before the pretrial conference
06/21/2021	Dispositive Motions filed by
05/21/2021	Discovery completed by
04/30/2021	All discovery motions filed by
03/17/2021	Disclosure of expert testimony under FRCP 26(a)(2)

The parties have not previously sought a trial continuance. This proposed modification of the case schedule will permit the parties to finish discovery, minimize costs,

1 and engage in meaningful settlement discussions while avoiding prejudice to the parties by  
2 allowing a limited extension of time.

3  
4 SO STIPULATED this 9th day of September, 2020.

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6  
7 s/ Chris H. Pierce-Wright

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**ORDER**

This matter having come before the Court on the parties' stipulated motion for trial continuance, and the Court having considered that the parties have jointly agreed and stipulated to a continuance of the trial date based on a showing of agreed good cause warranting continuance, and the Court having reviewed the motion, and the records and files herein; and being fully advised, finds that the motion should be granted as there are extraordinary circumstances, set forth above, such that there is no alternative to the requested continuance that would prevent a substantial injustice.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The stipulated motion is GRANTED. It is further ORDERED that:
2. The trial date of this matter is continued to September 13, 2021.
3. The Case Schedule is modified as follows:

DATE	CASE EVENT
09/13/2021	<b>Jury Trial (5-7 days) or as soon as available thereafter</b>
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04/30/2021	All discovery motions filed by
03/17/2021	Disclosure of expert testimony under FRCP 26(a)(2)

It is so ordered this 10th day of September, 2020.



JUDGE BARBARA J. ROTHSTEIN